



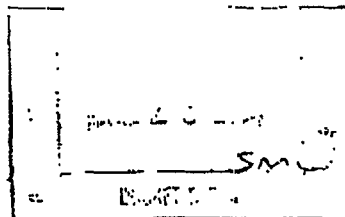
UNITED STATES PATENT AND TRADEMARK OFFICE

17668-A7-A

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

July 19, 2004

Mr. John P. White
Cooper & Dunham LP
1185 Avenue of the Americas,
New York, NY 10036



Dear Mr. White:


This is in response to your letter of June 15, 2004 complaining about and requesting information regarding public access that was improperly given to your patent application No. 08/477,159.

I have had one of my staff members perform an investigation and he determined that access was improperly given to your application by the USPTO (Office). The Office uses an electronic database to provide copies of application papers to the public and your application papers were scanned but improperly indexed into a folder labeled "as filed". The "as filed" folder is used to provide copies of the application as filed to the public. We regret that Office procedures were not followed and that some of your application papers (other than the application as filed) were improperly provided to the public, when copies of the application were requested. We have taken corrective action to ensure the problem does not reoccur. The folder for your application has been deleted from the database currently used to provide copies of applications to the public, so that the application papers cannot be provided to the public without using the Image File Wrapper system (IFW). Any copy ordered today of the application as filed will only be supplied from the Office's IFW system and your application is now in IFW. The papers for your application have been properly scanned and indexed into the IFW such that only those papers that are part of the application as filed are now in that indexed portion of the IFW, thus only the correct parts will be supplied in the future.

According to 37 CFR 1.14(a)(1)(vi), third parties are entitled to a copy of your application as originally filed. The following parties requested copies of the application papers from the Office of Public records: Faxpat/Optipat, Inc. in January 2003, April 2004 and June 2004, World Patent Services, Inc. in May 2004, and Quinn Emanuel Trial Lawyers in June 2004. According to the Office records on at least two occasions Faxpat/Optipat requested copies of the file history and World Patent Services, Inc., and Quinn Emanuel Trial Lawyers both requested copies of the application as filed. With respect to your question concerning the purported justification of the request, that information is known.

Again, thank you for your concerns. If you should have any further questions specific to this letter, please feel free to contact me at (703) 308-5107.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Spar", written over a circular stamp.

Robert J. Spar
Director, Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy